

**REMARKS**

Claims 20, 27, 31, and 39 have been amended. Claim 40 has been canceled. Claims 52-55 have been added. Claims 20, 21, 23-39, 41, 42, 44, 47, and 52-55 are now pending.

Applicants thank the Examiner for the courtesies extended during the interview of May 19, 2010. During the interview, the 35 U.S.C. §§ 112 and 103(a) rejections of claims 20, 21, 23-42, 44, and 47 were discussed. No agreement concerning the claims was reached. However, the Examiner indicated subject matter that may overcome the current 103 rejection and suggested that we amended the claims accordingly.

Claim 20 stand objected to for informalities, which have been corrected. Accordingly, the objection should be withdrawn.

Claims 20, 21, 23-42, 44, and 47 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. This rejection is respectfully traversed. Claim 20 has been amended to recite, *inter alia*, that “said inhibiting device is adapted and arranged to prevent leakage of gas.” Claim 39 has been amended to recite, *inter alia*, that “said sealing member is adapted and arranged to prevent leakage of gas.” Applicants submit that amended claims 20 and 39 comply with the written description requirement and are patentable. Claims 21, 23-38, 41, 42, 44, and 47 depend from claims 20 and 39, respectively, and are also patentable. Thus, Applicants respectfully request that the rejection be withdrawn.

Claims 20, 21, 23-31, 33-37, 39-42, 44, and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over W.O. Application Publication No. WO98/01075 (corresponding to U.S. Patent No. 6,391,027) to Farin et al. (“Farin”) in view of U.S. Patent No. 5,836,909 to Cosmescu. The rejection is respectfully traversed.

Claim 20 recites an “applicator for an electrosurgical instrument, comprising: ... an insulating cap having a cylindrical inner recess configured to detachably fasten the applicator on a handle of the instrument, the insulating cap having an annular protrusion that contacts a portion of

the supply pipe to secure the supply pipe to the insulating cap, the insulating cap further having a proximal extension that surrounds the supply pipe and extends away from the annular protrusion toward the second end of the applicator terminating with an inwardly projecting edge; an insulating casing tube surrounding a portion of the supply pipe and partially within the cap, the tube extending from the annular protrusion of the cap past the inwardly projecting edge of the cap, the tube having a collar on a tube end proximate to the annular protrusion, the tube displaceable along a longitudinal axis of the applicator, a path of displacement of the tube end with the collar being only between the annular protrusion of the cap and the inwardly projecting edge of the cap, so that the insulating tube can expose or cover the cutting electrode.” The cited combination fails to teach or suggest at least these limitations.

Farin discloses a grip handle 1 attached to a moveable sleeve 20 that encases a supply pipe and a cutting electrode 22. Farin ‘027 patent, col. 3, lines 35-37; Figs 7a, 7b. The protective sleeve 20 has an extension 23 with a collar 24. Farin ‘027 patent, col. 3, lines 35-40. A shoulder 25 inside the grip handle 1 limits the displacement of protective sleeve 20 in one direction. Farin ‘027 patent, col. 3, lines 40-45. However, Farin does not disclose an “insulating casing tube ... a path of displacement of the tube end with the collar being only between the annular protrusion of the cap and the inwardly projecting edge of the cap,” as recited by claim 20. Thus, Farin does not teach or suggest every limitation of claim 20. Cosmescu, cited for teaching an inhibiting O-ring, does not cure the deficiencies of Farin. As a result, neither Cosmescu nor Farin teach or suggest all the limitations of claim 20. Thus, claim 20 is allowable. Claims 21, 23-31, and 33-37 depend from claim 20 and are allowable for at least the same reasons.

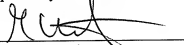
Claim 39 contains limitations similar to those recited in claim 20. Thus, for at least the same reasons as discussed above, neither Cosmescu nor Farin teach or suggest all the limitations of claim 39. Thus, claim 39 is allowable. Claims 41, 42, 44, and 47 depend from claim 39 and are also allowable for at least the same reasons. Accordingly, Applicants request that the rejection be withdrawn and the claims allowed.

Claims 32 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Farin in view of Cosmescu and in further view of U.S. Application Patent No. 2002/0077611 to von Dyck et al. ("von Dyck"). The rejection is respectfully traversed. Claims 32 and 38 depend from claim 20 and are patentable over the combination of Farin and Cosmescu for at least the reasons mentioned above. von Dyck, used in the Office Action to teach the use of an integral annular collar, fails to remedy the inadequacies of Farin and Cosmescu. Therefore, neither Farin, Cosmescu, nor von Dyck, individually or combined, teach every limitation of claims 32 and 38. These claims are patentable over the cited combination. Accordingly, Applicants request that the rejection be withdrawn and that the claims be allowed.

In view of the above, Applicants request that the application be allowed to issue.

Dated: June 2, 2010

Respectfully submitted,

By 

Gianni Minutoli

Registration No. 41,198

Brian G. Parke

Registration No. 59,226

DICKSTEIN SHAPIRO LLP

1825 Eye Street, NW

Washington, DC 20006-5403

(202) 420-2200

Attorneys for Applicants